



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,816	11/12/2003	Hiroyuki Eguchi	WAKAB83.001AUS	6983

20995 7590 06/23/2006

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

VANTERPOOL, LESTER L

ART UNIT	PAPER NUMBER
----------	--------------

3727

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,816

Applicant(s)

EGUCHI, HIROYUKI

Examiner

Lester L. Vanterpool

Art Unit

3727

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 31, 2006.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's amendments filed on March 31, 2006.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuno (U.S. Patent Number 5924611) in view of Moore (U.S. Patent Number 5340004) and Goeden et al., (U.S. Patent Number 5121958). Mizuno discloses the main construction (11) (See Figure 2) that is substantially quadrilateral and has upper, lower, right and left side edges (column 2, lines 47 – 52) (See Figure 2), and that is formed as the mesh (12) (See Figure 2); fixed hems (15 & 20) that fixedly hem the upper and lower sides edges (See Figure 2) of the main construction (11) (See Figure 2).

Mizuno also discloses the upper and lower ends of each edge cord is secured to the fixed hems.

However, Mizuno does not disclose non-elastic edge cords that movably pass through each of meshes that are aligned along each of the right and left side edges of the main construction that are not provided with the fixed hems.

Moore teaches the cords (48) (column 3, lines 12 & 13) that movably pass through each of the meshes that are aligned along each of the right and left edges of the main construction that are not provided with the fixed hems (column 3, line 24 – 27) (See Figure 5) for the purpose of providing flexible and product conformable movement.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cords that movably pass through each of the meshes that are aligned along each of the right and left edges of the main construction that are not provided with the fixed hems as taught by Moore with the motor vehicle luggage net to hold luggage in the luggage compartment of the motor vehicle of Mizuno in order to enhance product storage capabilities.

In addition, Mizuno and Moore do not disclose non-elastic cords and non-elastic edge cords.

Goeden et al., teaches the non-elastic cord (12) and non-elastic edge cords (13) for the purpose of providing durability.

It would have been obvious to one having ordinary skill the art at the time the invention was made to make the composed of non-elastic cord and non-elastic edge cords as taught by Goeden et al., with the motor vehicle luggage new to hold luggage in the luggage compartment of the motor vehicle.

Moreover, Mizuno does not disclose the edge cord length adjustment device attached to the edge cords respectively, to retain the portion of each edge cord, the edge cord length adjustments devices is capable of adjusting the length between the

upper and lower ends of the respective edge cords, independently of each other, through variation of the amount of each edge cord that is retained.

Moore teaches the edge cord length adjustment device (70) (See Figure 4) attached to the edge cords (34, 34', 36 & 38) respectively, to retain the portion of each edge cord (34, 34', 36 & 38) (See Figure 4), independently of each other, through variation of the amount of each edge cord (34, 34', 36 & 28) that is retained (column 3, lines 52 – 56) (See Figure 4) for the purpose of providing adequate restraint security and prevent excess movement.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the edge cord length adjustment device attached to the edge cords respectively, to retain the portion of each edge cord, independently of each other, through variation of the amount of each edge cord that is retained as taught by Moore with the motor vehicle luggage net to hold luggage in the luggage compartment of the motor vehicle of Mizuno in order to enhance product storage security and prevent product movement while transporting.

However, Moore does not disclose the edge cord length adjust device is capable of adjusting the length between the upper and lower ends of the respective edge cords.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the edge cord length adjustment device on the side edge cord and capable of adjusting the length between the upper and lower ends of the respective edge cords, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 2, Moore further discloses end cords (30 & 34) that are composed of elastic cords (column 2, lines 31 – 44) that are attached to the two ends of the fixed hems (50) (See Figures 1 & 2), the ends of the end cords (See Figures 1, 2, 6 & 7) are provided with connectors that can connect to connectors (58) of the motor vehicle (See Figures 1, 2, 6 & 7) for the purpose of providing stationary storage.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make end cords that are composed of elastic cords that are attached to the two ends of the fixed hems, the ends of the end cords are provided with connectors that can connect to connectors of the motor vehicle as taught by Moore with the motor vehicle luggage net to hold luggage in the luggage compartment of the motor vehicle in order to enhance reliable and durable anchoring to provide stowed cargo stability.

Regarding claim 3, Mizuno further discloses the middle cord (25) (See Figure 2) that is provided at the position between the two fixed hems (15 & 20) that passes through each of the meshes (See Figure 2) that are located along the line parallel to the fixed hems (15 & 20) (column 3, lines 42 - 52) (See Figure 2), the two ends of the middle cord (25) is provided with connectors (26) (column 3, lines 53 – 54) (See Figure 2) that can connect to connectors of the motor vehicle (See Figures 11 – 13, 14A & 14B).

Regarding claim 4, Mizuno further discloses the middle cord (25) is composed of elastic cord (column 3, lines 53 – 54). See Figure 2.

Regarding claim 5, Mizuno further discloses the plurality of the connector (26) (See Figure 2) of the middle cord (25) are provide along the longitudinal direction (See Figure 2) of the middle cord (25) at each end of the middle cord (25). See Figure 2.

3. Regarding claim 6, Mizuno further discloses the main construction (11) (See Figure 2) that is substantially quadrilateral and has upper, lower, right and left side edges (column 2, lines 47 – 52) (See Figure 2), and that is formed as the mesh (12) (See Figure 2); fixed hems (15 & 20) that fixedly hem the upper and lower sides edges (See Figure 2) of the main construction (11) (See Figure 2);

Mizuno also discloses the upper and lower ends of each edge cord is secured to the fixed hems;

However, Mizuno does not disclose non-elastic edge cords that movably pass through each of meshes that are aligned along each of the right and left side edges of the main construction that are not provided with the fixed hems;

Moore teaches the cords (48) (column 3, lines 12 & 13) that movably pass through each of the meshes that are aligned along each of the right and left edges of the main construction that are not provided with the fixed hems (column 3, line 24 – 27) (See Figure 5) for the purpose of providing flexible and product conformable movement;

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cords that movably pass through each of the meshes that are aligned along each of the right and left edges of the main construction that are not provided with the fixed hems as taught by Moore with the motor vehicle luggage net to hold luggage in the luggage compartment of the motor vehicle of Mizuno in order to enhance product storage capabilities;

In addition, Mizuno and Moore do not disclose non-elastic cords and non-elastic edge cords;

Goeden et al., teaches the non-elastic cord (12) and non-elastic edge cords (13) for the purpose of providing durability;

It would have been obvious to one having ordinary skill the art at the time the invention was made to make the composed of non-elastic cord and non-elastic edge cords as taught by Goeden et al., with the motor vehicle luggage new to hold luggage in the luggage compartment of the motor vehicle;

Moreover, Mizuno does not disclose the edge cord length adjustment device attached to the edge cords respectively, to retain the portion of each edge cord, the edge cord length adjustments devices is capable of adjusting the length between the upper and lower ends of the respective edge cords, independently of each other, through variation of the amount of each edge cord that is retained;

Moore teaches the edge cord length adjustment device (70) (See Figure 4) attached to the edge cords (34, 34', 36 & 38) respectively, to retain the portion of each edge cord (34, 34', 36 & 38) (See Figure 4), independently of each other, through

variation of the amount of each edge cord (34, 34', 36 & 28) that is retained (column 3, lines 52 – 56) (See Figure 4) for the purpose of providing adequate restraint security and prevent excess movement;

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the edge cord length adjustment device attached to the edge cords respectively, to retain the portion of each edge cord, independently of each other, through variation of the amount of each edge cord that is retained as taught by Moore with the motor vehicle luggage net to hold luggage in the luggage compartment of the motor vehicle of Mizuno in order to enhance product storage security and prevent product movement while transporting;

However, Moore does not disclose the edge cord length adjust device is capable of adjusting the length between the upper and lower ends of the respective edge cords;

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the edge cord length adjustment device on the side edge cord and capable of adjusting the length between the upper and lower ends of the respective edge cords, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70;

Moore discloses end cords (30 & 34) that are composed of elastic cords (column 2, lines 31 – 44) that are attached to the two ends of the fixed hems (50) (See Figures 1 & 2), the ends of the end cords (See Figures 1, 2, 6 & 7) are provided with connectors that can connect to connectors (58) of the motor vehicle (See Figures 1, 2, 6 & 7) for the purpose of providing stationary storage;

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make end cords that are composed of elastic cords that are attached to the two ends of the fixed hems, the ends of the end cords are provided with connectors that can connect to connectors of the motor vehicle as taught by Moore with the motor vehicle luggage net to hold luggage in the luggage compartment of the motor vehicle in order to enhance reliable and durable anchoring to provide stowed cargo stability;

Mizuno discloses the middle cord (25) (See Figure 2) that is provided at the position between the two fixed hems (15 & 20) that passes through each of the meshes (See Figure 2) that are located along the line parallel to the fixed hems (15 & 20) (column 3, lines 42 - 52) (See Figure 2), the two ends of the middle cord (25) is provided with connectors (26) (column 3, lines 53 – 54) (See Figure 2) that can connect to connectors of the motor vehicle (See Figures 11 – 13, 14A & 14B);

wherein the single motor vehicle luggage net is interchangeably positioned in one of:

Mizuno discloses the first attached state in which the motor vehicle luggage net (11) is attached extended along the floor of the motor vehicle with each of the end cords connected to the respective connector of the motor vehicle (column 7, lines 11 – 24) (See Figure 9);

Mizuno discloses the second attached state in which the motor vehicle luggage net is folded in half along the position of the middle cord and attached vertically upright with the end cords connected to connects in the side walls of the motor vehicle and the

connectors at the two ends of the middle cord connected to connectors that are provided at positions in the vicinity of the floor of the motor vehicle at positions that are perpendicularly below the connectors to which the end cords are connected (column 7, lines 53 – 67) (See Figures 11 & 13); and

Mizuno the third attached state in which the motor vehicle luggage net is folded in half along the position of the middle cord and attached upright with the forward inclination with the end cords connected to connectors in the side walls of the motor vehicle and the connectors at the two ends of the middle cord connected to connectors that are provided at positions in the vicinity of the floor of the motor vehicle that are toward the rear of the motor vehicle from positions that are perpendicularly below the connectors to which the end cords are connected (column 8, lines 18 – 32) (See Figures 14A & 14B).

Regarding claim 7 as stated above, Mizuno discloses the plurality of connectors (26) of the middle cord (25) are provided along the longitudinal direction at each end of the middle cord (25) (See Figure 2);

the distance between the connectors (19, 23, 24 & 26) of the motor vehicle to which the end cord are connected and the connectors (A1, A2, A3, & A4) of the motor vehicle to which the middle cord (25) is connected is different to the second attached state and the third attached state. See Figures 9 – 14A & 14B.

Response to Arguments

4. Applicant's arguments with respect to claims 1 – 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JES F. PASCUA
PRIMARY EXAMINER

LLV
June 13, 2006